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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

February 19, 1993

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Re: C.W.A. Broadcasting Inc. Reply  
Comments to Proposed  
Amendments of FM Table of  
Allotments and Proposed Rule  
Making MM Docket 92-291 RM-  
8133

Dear Ms. Searcy:

Transmitted herewith, on behalf of C.W.A. Broadcasting, Inc. Permittee: For WFBR.FM, Cambridge, Maryland are an original and four copies of our reply comments for a Petition for Rulemaking.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Very truly yours,

*Charles W. Adams Jr.*

Charles W. Adams, Jr., President  
C.W.A. Broadcasting, Inc.  
35 Solomon's Island Road  
Annapolis, MD 21401

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

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FEB 18 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Amendment of Section 73.202(b). )  
Table off Allotments, )  
FM Broadcast Stations )  
Cambridge and St. Michaels, Maryland )

MM Docket No. 92-291  
RM-8133

TO: The Chief, Allocations Branch  
Policy and Rules Division  
Mass Medial Bureau

REPLY COMMENTS OF C.W.A. BROADCASTING, INC.

C.W.A. Broacasting, Inc. ("PETITIONER") by it's President hereby files it's reply comments in support of the rulemaking proceeding to amend the FM Table of Allotments 73.202(b). Reply Comments to Prettyman Broadcast Company ("Prettyman"). The Petitioner seeks to amend the FM Table of Allotments in the above-captioned communities to permit the following substitution. To eliminate Channel 232A at Cambridge, Maryland and place Channel 232A at St. Michaels, Maryland and to modify the construction permit of WFBR FM accordingly. (BMPH 920828JK). The proposed change in the rules is summarized as follows:

<u>City</u>	<u>Channel Number</u>	
	<u>Present</u>	<u>Proposed</u>
Cambridge, MD	292A, 232A	292A
St. Michaels, MD	---	232A

Should the commission allott and authorize Channel 232A to St. Michaels, MD, the Petitioner will immediately file an application on F.C.C. Form 301 and expeditiously construct and operate a Class "A" FM radio station at St. Michaels, Maryland with the maximum lawful facilities. Enclosed and shown as "Exhibit 1" is a C.W.A. Broadcasting, Inc. President's affidavit.

1. C.W.A. Broadcasting ("petitioner"), permittee of Station WFBR(FM), Channel 232A, Cambridge, Maryland, has filed a petition for rule making proposing the reallocation of Channel 232A from Cambridge to St. Michaels, Maryland, as that community's first local transmission service. Petitioner also seek modification of its construction permit (BMPH-920929JK) for Station WFBR(FM) to specify the change of community of license from Cambridge to St. Michaels, Maryland.

2. In support of its proposal, petitioner seeks to invoke the provisions of Section 1.420(i) of the Commission's Rules. Petitioner expresses a desire to provide a first local transmission service to St. Michaels, Maryland. Petitioner states that the allocation of Channel 232A to St. Michaels will result in a preferential arrangement of allocations. The petitioner feels Cambridge will continue to be served by Stations WCEM(AM) and WCEM (FM). Petitioner points out that Cambridge also receives service from Station WCEI(FM), Easton, Maryland, and a major part of Cambridge receives service from Station WAAI(FM), Hurlock, Maryland.

3. As the Petitioner, we believe the public interest will be served by the reallocation of Channel 232A from Cambridge, Maryland, to St. Michaels, Maryland, as it would provide St. Michaels with its first local transmission service. Channel 232A can be allotted to St. Michaels, Maryland, at petitioner's proposed site in compliance with the Commission's spacing requirements. The requested gains and losses show that by adoption of this proposal 53,487 more people will gain service from the relocation of WFBR from Cambridge to St. Michaels, Maryland.

The petitioner urges the commission to grant the proposal of C.W.A. Broadcasting as requested. The petitioner will file an application on F.C.C. Form 301 and expeditiously

construct and operate WFBR(FM) at St. Michaels, Maryland.

4. In response to the comments filed by Prettyman on February 4, 1993, the petitioner feels that at this late date Prettyman simply does not wish to comply with F.C.C. orders. The obligation of Prettyman to change frequencies is clearly spelled out in MM Docket 84-1043. See 50 FR 34466, August 26, 1985.

This docket shows WICO.(FM) at Salisbury, Maryland is ordered to operate on Channel 248A.

The petitioner feels it has shown the commission through its comments filed February 3, 1993 and through its extension request that every effort possible has been made to locate WFBR-(FM) Channel 232A at Cambridge, Maryland. Further, any suggestion made by Prettyman that the petitioner has not made every effort possible is not based on fact.

The Petitioner has carefully reviewed all of the comments filed by Prettyman and finds that a lot of statements made are not made in good faith toward resolving this matter.

The petitioner also feels it is important to point out a number of ironic facts presented in Prettymans comments. Enclosed and shown as Exhibit 2, a spacing study of Channel 248-A. This study shows that since 1985 Prettyman has gone to what would appear, significant effort to protect Channel 248 by purchasing two stations that are the co-channel and first adjacent channel that he says now he wants to give up. Throughout, Prettymans comments are very supporting of other entity's capable of constructing an FM Station. The Petitioner's, as a minority, feel that person's who are no longer involved with this matter have and continue to try to influence the outcome of every single action I have taken since the commission awarded me the construction permit.

The Petitioner will meet its required responsibilities to reimburse station WICO FM

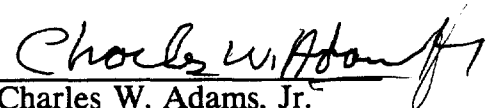
for fair and resonable expenses incurred in changing channels. Accordingly, the FCC should deny the request of Prettyman to be released from its obligation to change frequencies.

## CONCLUSION

It is respectfully requested that the commission amend the FM Table of Allotments as requested. It is also respectfully requested the commission deny the request of Prettyman to be released from its obligation to change frequencies.

C.W.A., Inc. will file an application on F.C.C. Form 301 and expeditiously construct and operate radio station W.F.B.R. (FM) at St. Michaels, Maryland. This station will represent the first black owned and operated radio station on the Eastern Shore of Maryland, and the public's interest will be served.

Respectfully submitted,

  
Charles W. Adams, Jr.  
President  
C.W.A. Broadcasting, Inc.  
35 Solomon's Island Road  
Annapolis, MD 21401

February 19, 1993

CERTIFICATION

I, Charles W. Adams, Jr., hereby certify that I have sent, by first class U.S. Mail this 19th day of February 1993, a copy of the Reply Comments to:

Dow, Lohnes & Albertson  
1255 Twenty-Third Street, N.W.  
Suite 500  
Washington, D.C. 20037

Counsel For:

Prettyman Broadcasting Company

Charles W. Adams Jr.  
Charles W. Adams, Jr.

**"EXHIBIT 1"**



**AFFIDAVIT**

I, Charles W. Adams, Jr., of 35 Solomons Island Road, Annapolis, Maryland, 21401, state the following:

1. I am President of C.W.A. Broadcasting, Inc.
2. I certify that, to the best of my knowledge and belief, all of the statements are true, correct, complete, and made in good faith.

Charles W. Adams, Jr.  
Charles W. Adams, Jr.

Subscribed and sworn to before me this 21<sup>ST</sup> day of JANUARY 1993.

Cheryl A. Patten  
Notary Public  
(Commissioned as Cheryl Sweet)

My Commission Expires: June 7, 1994.



**"EXHIBIT 2"**

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WLSL	CP	HOFFMAN BROADCASTING INC	245A	3	37-59-57	158.7	97.39	31
CRISFIELD		MD BPH-860123MX	96.9	100	75-49-43	338.9	66.39	CLEAR
CP Granted 10/23/87; Call Granted 02/17/88								
WASH	LIC	OUTLET BROADCASTING INC	246B	26	38-57-21	282.2	75.28	69
WASHINGTON		DC BLH-870601KD	97.1	209	77-04-57	101.6	6.282	CLOSE
WBSS-FM LIC		ROBERT A KLEIN	247B	50	39-25-19	56.9	124.6	113
MILLVILLE		NJ BLH-860709KA	97.3	62	75-01-14	237.6	11.56	CLOSE
Was WMVB-FM 09/16/88; Affiliated with WREY(AM)								
WZZE	LIC	GLEN MILLS SCHOOL	*247D	.02	39-55-15	27.0	137.9	
GLEN MILLS		PA BLEB-851101KC	97.3	56	75-29-58	207.4		
WBSS-FM CP		ROBERT A KLEIN	247B	50	39-19-15	65.6	138.4	113
MILLVILLE		NJ BMPH-890719IB	97.3	142	74-46-17	246.5	25.35	CLEAR
CP Granted 11/22/89; Was WMVB-FM 09/16/88; Affiliated with WREY(AM)								
WICO-FM ORD		PRETTYMAN BROADCASTING C	248A		38-21-39	133.2	73.81	115
SALISBURY		MD DDC-84-1043	97.5		75-37-00	313.6	-41.2	SHORT
ORDERED FROM 232A; Affiliated with WICO(AM)								
WKMZ	LIC	PRETTYMAN BROADCASTING C	248B	12.5	39-27-35	294.9	173.6	178
MARTINSBURG		WV BLH-870114KA	97.5	307	78-03-49	113.8	-4.40	SHORT
WPST	LIC	NASSAU BROADCASTING COMP	248B	50DA	40-14-05	38.1	201.7	178
TRENTON		NJ BLH-860827IA	97.5	131	74-46-02	219.0	23.69	CLEAR
WAFL-FM LIC		PRETTYMAN BCG COMPANY	249A	3	38-55-39	78.9	65.77	72
MILFORD		DE BLH-861024KA	97.7	100	75-29-20	259.4	-6.23	SHORT
Affiliated with WYUS(AM)								
WMDM-FM LIC		SOUTHERN MARYLAND BCG CO	249A	3	38-16-57	205.6	65.77	72
LEXINGTON PARK		MD BLH-7627	97.7	91	76-33-35	25.4	-6.23	SHORT
Affiliated with WPTX(AM)								
WIYY	LIC	THE HEARST CORPORATION	250B	13.5	39-20-05	328.1	67.92	69
BALTIMORE		MD BLH-880914KA	97.9	288	76-39-03	147.8	-1.08	SHORT
Affiliated with WBAL(AM)								
WOGL	LIC	CBS INCORPORATED	251B	12.5	40-02-31	31.8	160.9	69
PHILADELPHIA		PA BLH-7443	98.1	305	75-14-11	212.5	91.85	CLEAR
Was WCAU-FM 11/12/87								

>> End of channel 248A study <<

# Union United Methodist Church

Railroad Ave., and Fremont St.  
St. Michaels, Md. 21663

Pastor: Rev. Joseph A. Henry, Sr.

Telephone: 745-2784

TO: C.W. "Hoppy" Adams, Jr.  
35 Solomons Island Road  
Annapolis, MD 21401

FROM: Joseph A. Henry, Sr., President of BUMP

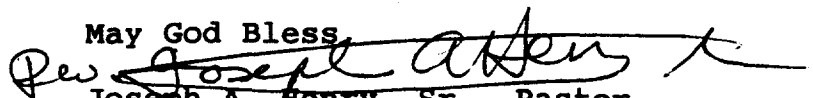
DATE: January 15, 1993

SUBJECT: Radio Station

Mr. Adams, I have heard from a very reliable source that you are planning to bring a radio station to the St. Michaels, Maryland area. Since some years ago, you took one of the Eastern Shore's best to be your wife. I think it's about time that you bring a radio station to the Eastern Shore to serve us just as you have so faithfully served over the years in the Annapolis area.

I look forward to your coming to the Shore, I was very disappointed when I heard that you were unable to start a radio station in the Cambridge/Trappe area. However, I feel that your radio station will be a great asset to the Town of St. Michaels. I know from your past reputation that you will have a quality station and ~~we~~<sup>will</sup> meet the local needs of the local people.

Union United Methodist Church fully support you in your efforts and look forward to the Sunday spiritual programs. Moreover, my colleagues are overjoyed that you are planning a radio station in our area. We appreciate what you have done and your contribution to society over the years. Please hang in there brother and keep the faith. Remember we can do all things through Christ who strengthen us. May God bless and direct you in your efforts and we are praying that in the very near future that St. Michaels, the town that fooled the British, who will also fool the Eastern Shore, have its own radio station. Please don't give up. Keep pushing.

May God Bless  
  
Joseph A. Henry, Sr., Pastor  
Union United Methodist Church

Rev. Joseph A. Henry, Jr.  
P.O. Box 417  
St. Michaels, MD 21663

841 6899  
Allen  
Huff  
841 6899

Mr. C.W. "Hoppy" Adams, Jr.  
35 Solomons Island Road  
Annapolis, MD 21401

